

**BOARD OF ELECTION COMMISSIONERS OF THE CITY OF CHICAGO
AS THE DULY CONSTITUTED ELECTORAL BOARD**

Objections of: SHAWNA M. DORAN)
)
)
)
To the Nomination) No. 08-EB-SS-05
Papers of: AMY SUE MERTENS)
) (rel. case SS-09)
)
Candidate for the office of State Senator,)
5th District, State of Illinois, Democratic)
Party)

FINDINGS AND DECISION

The duly constituted Electoral Board, consisting of Chicago Board of Election Commissioners Langdon D. Neal, Richard A. Cowen, and Marisel A. Hernandez, organized by law in response to a Call issued by Langdon D. Neal, Chairman of said Electoral Board, for the purpose of hearing and passing upon objections ("Objections") of SHAWNA M. DORAN ("Objector") to the nomination papers ("Nomination Papers") of AMY SUE MERTENS, candidate for nomination of the Democratic Party to the office of State Senator for the 5th Legislative District, State of Illinois ("Candidate"), having convened on November 20, 2007, at 10:00 a.m., at 69 W. Washington Street, 8th Floor Conference Room, Chicago, Illinois, and having heard and determined the Objections to the Nomination Papers in the above-entitled matter, finds that:

1. Objections to the Nomination Papers of the Candidate herein were duly and timely filed.
2. The said Electoral Board has been legally constituted according to the laws of the State of Illinois.

3. A Call to the hearing on said Objections was duly issued by the Chairman of the Electoral Board and served upon the members of the Electoral Board, the Objector and the Candidate, by registered or certified mail and by Sheriff's service, as provided by statute.

4. A public hearing held on these Objections commenced on November 20, 2007 and was continued from time to time.

5. The Electoral Board assigned this matter to Hearing Examiner Rodney W. Stewart for further hearings and proceedings.

6. The Objector and the Candidate were directed by the Electoral Board to appear before the Hearing Examiner for a hearing on the date and at the time designated on the Electoral Board's docket. The following persons, among others, were present at such hearing: the Objector, SHAWNA M. DORAN, appearing by counsel, James P. Nally; and the Candidate, AMY SUE MERTENS, appearing by counsel, Richard K. Means.

7. The Hearing Examiner ordered that an examination of the registration records be conducted by clerks and agents under the Board's direction and supervision, in accordance with the laws of Illinois and the rules of the Board.

8. The Hearing Examiner directed all parties to appear and be present, either personally and/or by their authorized representatives during the records examination.

9. The Candidate or her duly authorized representative(s) was present during the examination of the registration records.

10. The Objector or her duly authorized representative(s) was present during the examination of the registration records.

11. The examination of the registration records was completed and the Electoral Board hereby adopts and incorporates by reference the results of the records examination conducted by its clerks and agents. The written report of the results of the registration records examination is contained in the Electoral Board's file in this case and is available for inspection upon request of a party.

12. The results of the record examination conducted in this matter as corrected indicates that:

- A. The minimum number of valid signatures required by law for placement on the ballot for the office in question is 1,000;
- B. The number of purportedly valid signatures appearing on the nominating petition filed by the Candidate total 2,532;
- C. The number of signatures deemed invalid because of objections sustained total 1,530;
- D. The remaining number of signatures deemed valid total 1,002.

13. Subsequent to the records examination, an evidentiary hearing was conducted. The Objector presented evidence to reduce the Candidate's total valid signature count to 989. The Candidate presented evidence to successfully rehabilitate additional signatures that had been objected to and which objections had been sustained at the records examination sufficient to raise her total valid signature count to 1,024. As a result, the Hearing Examiner found that the Candidate had a total of 1,024 valid signatures on her nominating petitions, which more than the 1,000 minimum signatures required by law.

14. The Electoral Board finds, therefore, that objections to signatures listed on certain sheets and lines of the Objector's Petition are sustained in part and overruled in part as more fully indicated in the results of the records examination.

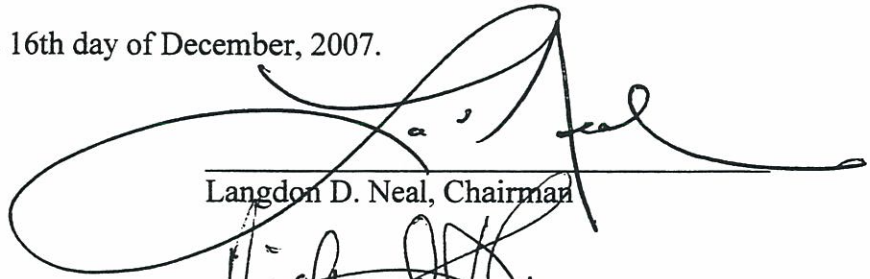
15. The Electoral Board finds that the number of valid signatures appearing on the Candidate's nominating petition following completion of the records examination exceeds the minimum number of valid signatures required by law to be placed upon the official ballot as a candidate for nomination of the Democratic Party to the office of State Senator for the 5th Legislative District, State of Illinois.

16. For the reasons stated above, the Electoral Board overrules the Objections and finds that the Nomination Papers of AMY SUE MERTENS are valid.


17. The Electoral Board further finds that there were additional objections filed against the Candidate's Nomination Papers in case number 08-EB-SS-09, but the objections in that case were withdrawn.

IT IS THEREFORE ORDERED that the Objections of SHAWNA M. DORAN to the Nomination papers of AMY SUE MERTENS, candidate for nomination of the Democratic Party to the office of State Senator for the 5th Legislative District, State of Illinois, are hereby OVERRULED and said Nomination Papers are hereby declared VALID and the name of AMY SUE MERTENS, candidate for nomination of the Democratic Party to the office of State Senator for the 5th Legislative District, State of Illinois, SHALL be printed on the official ballot for the General Primary Election to be held on February 5, 2008.

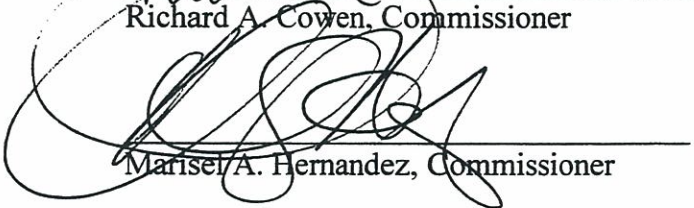
Dated: Chicago, Illinois, this 16th day of December, 2007.



Langdon D. Neal, Chairman



Richard A. Cowen, Commissioner



Marisel A. Hernandez, Commissioner

NOTICE: Pursuant to Section 10-10.1 of the Election Code (10 ILCS 5/10-10.1) a party aggrieved of this decision and seeking judicial review of this decision must file a petition for judicial review with the Clerk of the Circuit Court of Cook County within 10 days after the decision of the Electoral Board.

SERVICE
ATTACHED

**BEFORE THE CHICAGO BOARD OF
ELECTIONS COMMISSIONERS**

In Re:
SHAWNA M. DORAN,
Objector,
vs
AMY SUE MERTENS,
Candidate.

No. 08-EB-SS-05

2007 DEC 15 A 7:11

Hearing Examiner's Recommended Findings

The matter was first called for the initial hearing on November 21, 2007. Service was determined to be proper and all parties are represented by their respective legal counsel and Appearances have been filed and exchanged. The Candidate is represented by attorney Richard Means. The Objector is represented by attorney James Nally. The Candidate filed a Motion to Strike and the Objector filed a Response. The Candidate filed a Reply. A directive was executed seeking a Records Examination.

The matter was continued to November 27, 2007 for hearing on the Candidate's Motion to Strike. On the same date, the motion was denied and the matter was continued for status on the Records Examination. Record Examination results were obtained on December 7, 2007 and the results revealed that the Candidate had 1000 valid signatures.

On December 7, 2007, the parties, by agreement sought a review of the final count with respect to the number of valid signatures as determined from the December 7, 2007 Record Examination results. The matter was continued to December 11, 2007 where it was determined that the re-counting of the results had not been concluded. A re-count of the results was again ordered and results were provided to the parties on December 14, 2007. The re-count of the records examination results revealed that the Candidate had 1002 valid signatures.

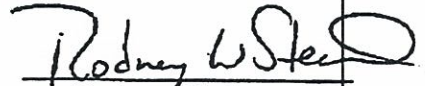
Pursuant to the results of the first tally with respect to the Records Examination, the Objector filed a motion pursuant to Rule 8 of the Rules of Procedure For The Board of Election commissioners of the City of Chicago. In addition, the Candidate filed a motion pursuant to Rule 7 and a motion pursuant to Rule 8 of the Rules of Procedure.

Hearings of all motions were conducted on December 14, 2007. With respect to the Objectors motion pursuant to Rule 8, the Candidate's final result was 989 valid signatures. The Candidate then proceeded to rehabilitate signatures and at the conclusion of her Rule 7 motion, had 1020 valid signatures. The Candidate then put forth evidence pursuant to her Rule 8 motion and was able to have 4 additional names added to the number of valid signatures giving the Candidate a total of 1024 valid signatures. The Candidate is required to have a minimum of 1000 valid signatures to be placed on the ballot in the upcoming primary.

DORAN V. MERTENS
NO. 08-EB-SS-05

It is the recommendation of the Hearing Officer that Amy Sue Merten's name be placed on the ballot as candidate for the office of State Senator of the State of Illinois for the 5th Legislative District in the upcoming primary on February 5, 2008.

Respectfully submitted,



Rodney/W. Stewart
Hearing Officer

L22 doran v. mertens decision